

NORTHERN STATES POWER	:	Order Dismissing Appeal
COMPANY,	:	
Appellant	:	
	:	
v.	:	Docket No. IBIA 92-6-A
	:	
MINNEAPOLIS AREA DIRECTOR,	:	
BUREAU OF INDIAN AFFAIRS,	:	
Appellee	:	May 11, 1994

This is an appeal from the August 13, 1991, approval by the Minneapolis Area Director, Bureau of Indian Affairs, of an ordinance enacted by the Prairie Island Indian Community (Tribe). The ordinance is entitled "Nuclear Radiation Control Ordinance." While the appeal was pending before the Board, the Tribe announced that it would begin enforcing the ordinance. Appellant sought an order from the Board enjoining the Tribe from doing so. Lacking the authority to issue such an order, the Board, on December 3, 1991, placed the Area Director's derision into immediate effect in order to allow the parties to proceed directly to court. On December 17, 1991, after appellant obtained a temporary restraining order in the United States District Court for the District of Minnesota, the Board stayed proceedings in this matter.

On December 23, 1991, the District Court issued a preliminary injunction. Northern States Power Company v. Prairie Island Mdewakanton Shakopee Indian Community, 781 F. Supp. 612 (D. Minn. 1991). The injunction was affirmed in 1993 by the United States Court of Appeals for the Eighth Circuit. 991 F.2d 458 (8th Cir. 1993). On March 18, 1994, the District Court entered an order permanently enjoining the Tribe from, inter alia, "[e]nforcing the Prairie Island Sioux Indian Community Nuclear Radiation Control Ordinance." Order, Civ. No. 4-93-747 (D. Minn. Mar. 18, 1994).

Appellant states that, in light of this disposition, the appeal pending before the Board should be dismissed.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal is dismissed.

Anita Vogt
Administrative Judge

Kathryn A. Lynn
Chief Administrative Judge